

**COUNTY OF SAN DIEGO, CALIFORNIA**  
**BOARD OF SUPERVISORS POLICY**

**Subject**

Establishment of Assessment Districts to Provide for Maintenance of Local Roads

**Policy  
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Purpose

To establish conditions for use of Permanent Road Division zones for maintenance of local roads in existing developments. Background

From time to time, local neighborhoods in existing developments where there are no means for pooling resources to maintain the local roads may request the County's assistance in formation of a district to provide road maintenance.

On February 15, 2000, the Board of Supervisors established a Permanent Road Division and established Permanent Road Division zones as the preferred type of district to use for local road maintenance on privately maintained roads. State law sets balloting and voting requirements for formations of these zones.

Definitions:

"Publicly Maintained Road" means a public road that has been made a part of the County's system of maintained roads in accordance with Streets and Highways Code section 941.

"Private Road" means a private road that has been made available for public use in accordance with the definition of a highway established by Streets and Highways Code section 1160.

Policy

It is the policy of the Board of Supervisors that:

FORMATION

1. When property owners desire to have Private Road maintenance performed by the County through a Permanent Road Division zone, the Board may make this process available where owners of more than 60 percent (60%) of the area of the property to be assessed for the improvement submit petitions requesting that such procedures be instituted.
2. Private Roads proposed for maintenance within the proposed zone must be accessible via a Publicly Maintained Road, with no stretch of private road that will remain private as a bridge between that Publicly Maintained Road and the Private Road.
3. Private Roads proposed for a zone must be open to the public, with no gates or other impediments to use of the Private Road by the public or County.

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**COSTS**

All costs associated with formation, administration and maintenance of a Permanent Road Division zone, including incidental expenses, shall be borne by the owners of benefiting properties.

**LOANS**

The Board established the Permanent Road Division Internal Service Fund in 1999. The fund allows property owners to borrow money to pay for their road work program rather than waiting until they have accumulated sufficient funds. In addition to this loan program, Permanent Road Division property owners can borrow money from a lending institution pursuant to California Streets and Highway Code Section 1179.6.

There is a \$500,000 limit on Board appropriations for the Permanent Road Division fund. In order to meet demand, the following guidelines for loan obligation from the Internal Service Fund have been established: limit of \$100,000 loan obligation for total project cost under \$500,000; limit of \$200,000 loan obligation for total project costs above \$500,000; and loan term from Internal Service Fund and lending institutions not to exceed five years.

**PROTESTS**

The Board will proceed with the formation of the Permanent Road Division zone unless ballots received at the public hearing and not withdrawn represent a majority protest. A majority protest exists if weighted ballots submitted in opposition to the assessment exceed ballots in favor of the assessment. In tabulating, the ballots shall be weighted according to the proportional financial obligation of the affected properties. In no case may a majority protest be overruled by the Board of Supervisors. Tabulations shall be made and ballot results certified by an objective third party, usually a consultant firm representing the County.

**DISSOLUTIONS**

The County's Permanent Road Division includes zones that were originally formed as County Service Areas, some in the 1960's and 1970's, before State law required property owners to approve ballots for assessments. Some of these have very limited funding available to fund on-going operation and maintenance. From time to time, an existing zone may become insolvent or underfunded. This is normally because assessments are at the limit established by previous ballot, and ballot measures to increase assessments have failed. In these cases, staff will notify property owners of the potential dissolution and then bring a proposal for dissolution to the Board.

**EXCEPTIONS**

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The Board of Supervisors recognizes that it is not possible to anticipate all situations that may arise and that from time to time the Board may make exception when the application of the policy would result in unusual and unreasonable hardship.

**PROCEDURE**

The Director of Public Works will administer all proceedings for the implementation of this policy.

Sunset Date

This policy will be reviewed for continuance by 12-31-16.

Board Action

5-12-70 (73)

6-16-70 (73)

12-4-84 (17)

3-22-88 (37)

4-04-95 (28)

8-11-98 (32) deleted

11-17-99 (11)

06-23-04 (12)

02-24-10 (2)

CAO Reference

1. Department of Public Works